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PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/519,572
	Filing Date	December 28, 2004
	First Named Inventor	Hermann Grether
	Art Unit	Not Yet Known
	Examiner Name	Not Yet Known
Total Number of Pages in This Submission	Attorney Docket Number	SMB-PT121 (PC 03 445 B US)

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Transmittal of Translation of the Preliminary Examination Report and English Translation of the International Examination Report
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	VOLPE AND KOENIG, P.C.		
Signature			
Printed name	Randolph J. Huis		
Date	7/5/2005	Reg. No.	34,626

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Randolph J. Huis	Date
		7/5/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the **PATENT APPLICATION** of:

Hermann Grether

**Application No.:** 10/519,572

**Filed:** December 28, 2004

**For:** COMPONENT INCORPORATED IN A  
PLUMBING SYSTEM

**Group:** Not Yet Known

**Examiner:** Not Yet Known

**Our File:** SMB-PT121  
(PC 03 445 B US)

**Date:** June 27, 2005

**COMMUNICATION RE TRANSLATED  
INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to Applicant's Duty of Disclosure pursuant to 37 C.F.R. §1.56, enclosed is a translation of the International Preliminary Examination Report from the corresponding International Application. The noted reference was previously submitted.

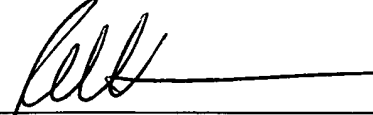
**Applicant: Hermann Grether**  
**Application No.: 10/519,572**

Prompt examination of the present application is respectfully requested.

Respectfully submitted,

Hermann Grether

By



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Registration No. 34,626  
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RJH/dmm  
Enclosure

From the INTERNATIONAL BUREAU

**PCT**

**NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**  
(PCT Rule 72.2)

To:

MAUCHER, Wolfgang  
Börjes-Pestalozza, Henrich  
Dreikönigstrasse 13  
79102 Freiburg i. Br.  
ALLEMAGNE

Date of mailing ( <i>day/month/year</i> ) 26 May 2005 (26.05.2005)	
Applicant's or agent's file reference PC 03 445 B	<b>IMPORTANT NOTIFICATION</b>
International application No. PCT/EP2003/010727	International filing date ( <i>day/month/year</i> ) 26 September 2003 (26.09.2003)
Applicant NEOPERL GMBH et al	

**1. Transmittal of the translation to the applicant.**

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

**2. Transmittal of the copy of the translation to the elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

**3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

**It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.**

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No.+41 22 740 14 35	Authorized officer  Ellen Moyse  Facsimile No.+41 22 338 89 75
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Translation

PATENT COOPERATION TREATY

PCT/EP2003/010727



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PC 03 445 B	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/010727	International filing date (day/month/year) 26 September 2003 (26.09.2003)	Priority date (day/month/year) 04 October 2002 (04.10.2002)
International Patent Classification (IPC) or national classification and IPC B05B 1/18		
Applicant NEOPERL GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.  <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of <u>6</u> sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 24 March 2004 (24.03.2004)	Date of completion of this report 25 June 2004 (25.06.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/010727

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages \_\_\_\_\_ 1-20 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_ 1-33 \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
 pages \_\_\_\_\_ 1/15-15/15 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/EP 03/10727

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-33	YES
	Claims		NO
Inventive step (IS)	Claims	1-33	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-33	YES
	Claims		NO

### 2. Citations and explanations

1. Reference is made to the following document:

**D1: US 6 152 182 A**

2. The present application meets the requirements of PCT Article 33(1) because the subject matter of claims 1 to 33 is novel (PCT Article 33(2)) and involves an inventive step (PCT Article 33(3)).

2.1 Independent claim 1

2.1.1 Document D1 is considered the prior art closest to the subject matter of independent claim 1 and discloses a sanitary fitting (column 1, lines 7 to 10) which comprises, within a mounting casing (figure 10: 2), a jet splitting device (5) for splitting the flowing liquid current (Pf1) into a number of individual jets (see "holes 7") and a jet regulating device (8) connected downstream of the jet splitting device (5) (figure 10), said jet regulating device (8) comprising at least one insert part that can be inserted in the mounting casing, said insert part having bridges (22, 23) oriented transversely to the direction of flow (Pf1) and

which define therebetween through-flow apertures, the bridges of at least one insert part being arranged in the manner of a grid or network and so as to intersect at junction points (figure 10; column 12, lines 25 to 38).

2.1.2 The **problem to be solved** by the present invention can therefore be considered that of defining a sanitary fitting for water flow regulation that allows a weaker jet.

2.1.3 The **technical problem is solved** in that at least one insert part of the jet regulating device is disposed relative to the jet splitting device such that the *individual jets meet at junction points* of the at least one insert part.

2.1.4 The cited prior art contains nothing that would prompt a person skilled in the art to arrange a grid-like insert part such that the individual jets passing through the jet splitting device would meet at junction points of the at least one insert part.

2.2 Claims 2 to 33 are directly or indirectly dependent on independent claim 1 and therefore likewise meet the requirements of PCT Article 33(2) and (3).

**Observations:**

3. The following amendment should have been made:

3.1 Independent claim 1 should have been drafted in the **two-part form** defined by PCT Rule 6.3(b), since in the present case the two-part form would appear to be appropriate. Accordingly, the features known in



**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

International application No.

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combination from the prior art (document D1) belong in a preamble (PCT Rule 6.3(b)(i)) and the remaining features in a characterising part (PCT Rule 6.3(b)(ii)).